



**Trinity NC City Council  
Regular Meeting  
Agenda  
11/17/09**

**Members Present:** Mayor Fran Andrews, Tyler Earnst, Karen Bridges, Kristen Varner, Kelly Grooms, Barry Lambeth, Linda Gantt and Edith Reddick.

**Members Absent:** Robbie Sikes

**Others Present:** Manager Ann Bailie, City Attorney Bob Wilhoit, Planning Administrator Adam Stumb, Code Enforcement Officer Joe Rainey, Stormwater Administrator Rich Baker, City Clerk/Finance Officer Debbie Hinson and Assistant City Clerk Lori Hunt

**Call to Order**

▪ **Pledge of Allegiance**

Mayor Andrews led the Pledge of Allegiance.

▪ **Invocation**

Council member Lambeth gave the invocation.

▪ **Welcome Guests and Visitors**

Mayor Andrews welcomed those present and called the meeting to order.

▪ **Approve Agenda**

*Motion to amend the agenda to add items 12.5 Closed Session pursuant to §143-318.11(a)(3) to consult with attorney retained by the public body in order to preserve the attorney-client privilege, item 13.5 New Business: Consider approval of Bridlewood Sewer Extension and item 16 New Business: Set special meeting/Pre-agenda Meeting for Monday Dec. 7 and cancel Dec. 8<sup>th</sup> Pre-agenda Meeting, by Council member Lambeth, seconded by Council member Earnst, approved unanimously by all Council members present.*

*Motion to appoint Kristen Varner to Council to fill the remainder of vacant seat in ward 1 by Council member Lambeth, seconded by Council member Grooms, approved unanimously by all Council members present.*

**Oath of Office**

**1. Kristen Varner appointment to fill vacant Council seat for Ward 1 (Mayor Fran Andrews)**

Mayor Andrews gave the oath of office to Council member Varner.

## **Public Comments**

None

## **Reports/Requests for Funding**

### **2. Audit Report (*Gibson & Co., P.A.*)**

Mayor Andrews read a card of thanks to Mr. Pendry and Mr. Gibson of Gibson and Company.

Mr. Gibson stated that he would like to add that much of the praise should be focused back to the City of Trinity. He pointed out that this is the 4<sup>th</sup> consecutive year that Gibson and Company has completed the audit for Trinity.

Mr. Pendry stated that he would give a brief overview of the audit report for year ending June 30, 2009. The report includes the independent auditor's report, 10 pages of the management discussion and analysis, 9 primary statements, 14 pages of footnotes, 7 supplementary statements, 2 property tax schedules and a compliance section.

Mr. Pendry stated that the audit was conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Mr. Pendry advised that in the opinion of Gibson & Company the financial statements present fairly the financial position of the City of Trinity as of June 30, 2009. He stated that the total current assets as of June 30, 2009 are 12.4 million dollars, primarily consisting of the cash of 11.9 million dollars. The total capital assets net of depreciation of 16.7 million dollars. The total assets as of June 30, 2009 are 29.1 million dollars. The total liabilities are 7.6 million dollars bringing the total net assets to 21.5 million dollars. The change in net assets is \$711,220 for the year.

The City had budgeted total revenues of 2.1 million dollars and actually received 2.2 million dollars, ending up better off by \$71,000. Budgeted for the expenditures was 2.3 million dollars and spent 1.4 million dollars ending up better off by \$936,000. Transfers were budgeted in the amount of \$938,875 and transferred \$ 880, 715 ending with a favorable variance. There was some Fund balance appropriated but was not used so that brings the total down to a small decrease in Fund balance of \$81,182. Mr. Pendry stated that the City had budgeted more expenditures than there were revenues and were going to make up the difference with some appropriation of Fund balance but the City did not have to appropriate any Fund balance ending up \$1,065,000 better off than expected.

The income statement for the sewer fund had total operating revenues of \$297,000 and the total operating expenses of 1.002 million dollars. There was some investment earnings of \$21,000, interest expense of \$79,800 and received some capital contributions which are the CDBG Grants, one for \$75,000 and one for \$65,981. There was a transfer in the amount of \$850,000 bringing down the change in net assets of \$227,439.

### **3. Request by Northwestern Randolph County Arts Council for funding in the amount of \$500 to support the Lollapalooza Musical Festival, a one day series**

**of musical concerts presented to the community at no cost.** (*Samantha Bond, president/Lois Bohnsack, past president*)

Ms. Bohnsack stated the application had been submitted to the City of Trinity for a grant funding in the amount of \$500. The funds will go to support the Lollapalooza Music Festival. The musical festival will be presented for the community at no cost. The goal is to bring arts to the community and the community to the arts.

***Motion to approve funding in the amount of \$500 for the Lollapalooza Music Festival by Council member Earnst, seconded by Council member Bridges, approved unanimously by all Council members present.***

**4. Request by UNC School of Government for funding of David M. Lawrence Distinguished Professorship** (*Ann Bailie, City Manager*)

Manager Bailie reminded those present that many of the Council members and residents have come into contact with David Lawrence. He has worked for decades educating public officials and other interested parties in the workings of elected government and public administration. Mr. Lawrence is retiring in December and the school is seeking to create a distinguished professorship in his name.

***Motion to grant funding in the amount of \$500 for the David M. Lawrence Distinguished Professorship by Council member Lambeth, seconded by Council member Earnst, approved unanimously by all Council members present.***

**5. Infrastructure projects update** (*Randy McNeill, Davis-Martin-Powell & Assoc.*)

Mr. McNeill gave the following updates:

- Phase 3 project is under construction – Terry’s Plumbing is working in the Lakewood area and should be completed in a few months.
- Phase 3 contract 2 is Page & Associates project and they are working along Hwy 62 it will be a few months before homes can be connected to sewer.
- Phase 4A project was originally going to be funded with a 5 ½ million dollar loan and a ½ million dollar grant from the Rural Center. The stimulus money has been awarded and the project will be reorganized to use the stimulus money to construct contract 1 and the Rural Development loan money will be reduced and still take advantage of the Rural Development grant money.
- Phase 4A is scheduled to be complete within the next calendar year.
- Turnpike Industrial Park Project roadway work has been completed and sewer stubouts have been installed for the future.
- Pike Street CDBG Project is a short extension to serve 15 to 20 homes
- The City needs to evaluate the need for a treatment plant in Trinity.
- Phase 4B is an area that lies between the interstate, Hwy. 62 and Surrett Drive. It is a plan to serve sewer throughout the area. For a smaller section of the area called Old Town the City has received a ¼ million dollar grant. The design is complete and the right of way agent will be obtaining easements. The larger area of 4B is in the design stages.

**Public Hearings**

**6. Receive public comment regarding proposed submittal of a \$120,000 Community Development Block Grant application (Economic Development)**

**to NC Dept. of Commerce, Commerce Finance Center to partially fund a wastewater lift station and construction of approximately 10,000 linear feet of 4-inch wastewater force main to serve Trinity Furniture, Inc. on Kennedy Road in Trinity. Estimated project cost: \$680,000; Trinity's share: \$25,000; Job creation: Ten jobs to be created.** *(Harry Lane, Existing Business and Industry Coordinator/Randolph County Economic Development Corporation (EDC))*

Mr. Lane stated that it is exciting to present a project for a company that is actually growing in this recession. So many times there are not enough resources to help small businesses. That is not the case at this time. Randolph County EDC is requesting financial support for sewer expansion project for Trinity Furniture.

Trinity Furniture is a well known business in the northwest quadrant of the County. Trinity Furniture was started with \$1,000 and has grown to over 13 million dollar a year business. The company provides case goods and upholstered products to government buildings, military bases, universities and medical offices. The Piedmont Triad Business Journal has recognized Trinity Furniture as one of the 50 fastest growing companies located in the region.

Trinity Furniture is experiencing growth and needs to expand. They are faced with a failing septic system and unable to add one job or expand their manufacturing or warehouse space. They are asking for financial assistance to extend public sewer to allow them to provide additional jobs as well as construct additional warehouse space in the future.

The EDC is requesting that the City of Trinity apply for 3 infrastructure grants and act as administrator. The grants are; the CDBG Grants, the Industrial Development Fund (IDF) and the Rural Center Grant. The grant applicants must provide a local match. The EDC is asking the City to approve \$25,000 and are requesting Randolph County to match that with \$25,000.

Trinity Furniture has agreed to create 10 new jobs over the next 2 years as required by the 3 grants. Each infrastructure grant has a specified amount of money per job created for a combined total of \$320,000. Trinity Furniture has agreed to spend \$310,000 of its own money for this project. This project retains 81 jobs, a local objective of the EDC.

The total cost of the project is \$680,000. The proposed funding will be as follows; the City of Trinity \$25,000, Randolph County \$25,000, Trinity Furniture will provide \$310,000, the CDBG Grant will provide \$120,000, the IDF Fund will provide \$100,000, the Rural Center Grant will provide \$100,000 for a total of \$680,000.

The City of Trinity is recognized by the CDBG, IDF and the Rural Center as the local grant applicant. The EDC is ready to proceed with the application subject to Council's approval.

Mayor Andrews opened the Public Hearing.

**Speaking for:**

**Jorge Lagueruela – 7252 Belmont Drive Trinity, NC 27370**

Mr. Laguieruela thanked the Council for considering the opportunity to get sewer to Trinity Furniture. He said that the company was started by Mr. John Kennedy and himself. The Trinity Furniture facility is approximately 80,000 sq. ft. The facility can not expand at this time and a second facility has opened in Archdale and employs 18 people. Mr. Laguieruela stated that Trinity Furniture is used in several places in the world. The furniture company is currently operating under a citation from the Health Department.

**Jerry Sturgis – 6808 Country Meadows Trinity, NC 27370**

Mr. Sturgis stated that he has had a tour of the Trinity Furniture Plant. He ran a fabricating plant that supplied a number of people with foam. Mr. Sturgis stated that Mr. Laguieruela buys supplies from a local company.

**Mr. Randy McNeill – City Engineer**

Mr. McNeill stated that he went to an AWWA (Waste water group) trade show and a luncheon where the speaker was the Assistant Director of the Department of Commerce. The focus of the meeting was that they really wanted to see the private/public cooperation in making things happen in the State of North Carolina. Mr. McNeill stated that the Assistant Director of the Department of commerce said that helping Trinity Furniture was a positive thing.

**Speaking Against:**

None

Hearing no further comments, Mayor Andrews closed the Public Hearing.

**6A. Consider adoption of resolutions, plans, policies and procedures associated with applications for grant funding for Trinity Furniture Sewer Project** *(Steve Austin, Grants Consultant and Administrator)*

- Resolution authorizing mayor to submit CDBG Economic Development application
- Fair Housing Plan, Complaint Procedure, and Resolution
- Anti-Displacement and Relocation Plan
- Local Economic Benefit for Low-income Persons Plan
- Equal Employment Plan
- Procurement Plan and Resolution
- Resolution authorizing submission of Industrial Development Fund grant application
- Resolution authorizing submission of Rural Center Economic Infrastructure grant

Mr. Steve Austin stated that the list of policies and procedures above must be approved by Council before applications can be submitted to CDBG, IDF and the Rural Center. The policies and procedures are the same that have been approved in the various CDBG grants over the years. There is also an Authorizing Resolution for each of the applications authorizing the Mayor to submit the application on behalf of the City.

Manager Bailie stated that the Council has 2 resolutions that were requested by Mr. Austin. The resolutions were the Budget and Project Ordinance and the Minority Business Resolution.

Manager Bailie advised that if the Council wished to adopt all of these documents that she recommends that it be contingent upon the City attorney's preparation of agreements between the City of Trinity and Trinity Furniture, and the City of Trinity and Randolph County, if necessary.

Council member Earnst asked if the City would be taking funds out of the economic development allocated funds. Manager Bailie replied that there was \$20,000 in the Economic Development Fund and that a \$5,000 transfer from another fund may be needed.

***Motion to approve the Resolutions, plans, policies and procedures as presented under the condition that the City Attorney prepares the agreements with Trinity Furniture and Randolph County by Council member Grooms, seconded by Council member Lambeth, approved unanimously by all Council members present.***

**7. Text amendments to Article XIII (Parking and Transportation) of the City's Zoning Ordinance as pertains to truck parking (Adam Stumb, Planning & Zoning Administrator)**

Mr. Stumb stated that the ordinance adopted in August 2009 would prohibit all freight trucks and the trailers in the residential districts. The exemption to that ordinance would be the RA district. If the truck and trailer would be parked at the property it would be parked behind the front plane of the house or at least 1000 feet from the center line of the road. As the revised draft being considered it would allow freight trucks minus the trailers to be parked in the R40 and more dense districts. The one condition is that the trucks would have to be parked behind the rear plane of the house or inside of an approved accessory structure. There is an exemption to the RA districts that the trucks shall be screened or 300 feet from the center line of the road. The one exception would be that in the Overlay District trucks would have to be screened from view. The ordinance still prohibits trucks and trailers from being parked on the street.

Mayor Andrews opened the Public Hearing For or Against the ordinance. Speaking were:

**Sally Sturgis – 6808 Country Meadows Ln. Trinity, NC 27370**

Mrs. Sturgis stated that there is a truck parked next door to her house. She stated that the neighbor said the reason he does not park his truck at the terminal is that it would get dirty and he spends \$45 per week to wash it. Mrs. Sturgis advised that a few weeks ago her husband had gone to bed early and around 11:00 the neighbor started his truck and woke her husband. The noise and fumes are come through her bedroom window as it is only about 40 feet from her bedroom window. Last year the neighbor left his truck idling for an hour at a time. Mrs. Sturgis stated that the trucks are affecting all of the residents of Trinity.

**Steve Lawing – 5339 Meadowbrook Dr. Trinity, NC 27370**

Mr. Lawing stated that he is not speaking in opposition to the ordinance. He said that he has a neighbor who drives a truck with top security government clearance. Mr. Lawing

has enjoyed having Mr. Lohr as a neighbor and understands that his truck is his livelihood. He stated that he never experienced and problems with noise or fumes. He said that the City could not regulate all noises such as motorcycles and airplanes.

**Lucy Rush – 5372 Grey Oak Dr. Trinity, NC 27370**

Ms. Rush advised that her husband is a professional truck driver and he drives a 2008 tanker. His truck comes home late at night. Her neighbors do not even know when he comes in unless the dog barks. The newer model trucks do not give off fumes as they have a smog control on them. Her husband has been driving trucks for over 30 years and it is his livelihood. She asked the Council to consider the fact that her husband was driving a truck long before Trinity became a City. Council member Earnst asked what the tanker holds and Ms. Rush replied liquid sugar.

**Tommy Wilmoth – Archdale, NC**

**(Son – Trent Wilmoth – 3974 Woodcrest St. Trinity, NC 27370)**

Mr. Wilmoth advised that he has a small trucking company consisting of 7 tractors and 19 trailers. The trailers stay at the contracted places he does business with. The ordinance affects 2 of his drivers, his son and one other man. He had a piece of land in Steeplegate and offered it to his son who turned the land down because he could not park his truck there. His son bought a home off Welborn so he could park his truck at his home. The 2 workers that live in Trinity have to pick up their trailers in Greensboro. Both individuals always park the truck behind the front plane of the house. If the trucks are parked somewhere besides their house the trucks can be broken into or vandalized. Mr. Wilmoth stated that he did appreciate the fact that the ordinance did not allow parking on the streets.

**Sharon Reitzell – 6517 Meadow Drive**

Ms. Reitzell said that if the Council changes their minds about the ordinance that the peace and tranquility of the City of Vision will be shattered. If the Council changes their minds about this ordinance it will encourage more truckers to move in. Cities around Trinity have an ordinance against truck parking. The truckers will move into these neighborhoods because they know they can. This will cause the value of houses to go down and the tax revenues will go down as well. She stated that a tractor and trailer can weigh up to 80,000 pounds, in comparison a pick up truck weighs about 5,000 pounds. The neighborhood roads are not designed to hold this weight.

**Karen Allred – 3511 Wood Village Drive Trinity, NC 27370**

Ms. Allred stated that she is against the truck ordinance. Most property owners know when they buy what they can and can not do with their property. She said that just because someone lives in a neighborhood with restrictive covenants, they should not try to let the restrictive covenants trickle down to a neighbor who lives one street over. The neighbors did not want the restrictions of that subdivision that is why they chose to live one street over. She stated that her husband is a truck driver and has been for over 25 years. He has provided for his family and for the families of Trinity because the things that we have, clothes, food, & etc., are brought to people by a truck.

**Jim Barker – 6846 Country Meadows Lane Trinity, NC 27370**

Mr. Barker advised that he has a truck parked next door to him. He said that the truck starts up late at night and rattles the windows and he does smell the fumes. He states that if he sold his house he feels that he would not get what he wanted from it. The weight of

the trucks is too much for the roads and Mr. Barker does not want to be a part of having to pay for repaving the roads.

**Arthur Gilbert – 4010 Sherwood Dr. Trinity, NC 27370**

Mr. Gilbert stated that the first ordinance banned everything that was over 80 inches wide and 30 feet long. Now the revised ordinance allows anything to be parked at residences. Mr. Gilbert stated that there are some bad people with trucks and wants to know why they can't be dealt with through a nuisance ordinance. He wants the Council not to let a few bad truckers spoil it for all truckers.

**Jerry Sturgis – 6808 Country Meadows Ln. Trinity, NC 27370**

Mr. Sturgis advised that his neighbor is parked very close to his house. It is his understanding that neighboring cities already have truck parking ordinances. If Council passes part of section 13-10 general parking requirements, then Mr. Sturgis feels that Trinity is lowering their standards. He has already consulted an attorney and there is a restrictive covenant in his neighborhood and it supersedes anything the Council might decide.

**Ed Lohr – 5356 Meadowbrook**

Mr. Lohr stated that has wonderful neighbors. He said that his truck tags are \$2,400 and he pays an additional \$10,000 per year to help keep up the roads. He stated that there are plenty of laws to deal with anything that is unsafe. He requested that Council consider the people who have lived in Trinity for 30 or 40 years without a complaint. His truck is used for the military and is parked where it is not seen. The government requires that he not disconnect his trailer or he could be fired because of insurance reasons. The government also requires that the truck be parked where he can see it from the windows of his house.

**Chester Ayers – 3498 Circle Dr. Trinity, NC 27370**

Mr. Ayers asked; "What is the purpose of having a tractor trailer parking ordinance in Trinity?" As he sees it, it is to preserve the integrity of the residential areas, to avoid premature wear and damage on streets and to avoid the nuisance associated with commercial trucks. It is not a personal attack on those who choose to drive trucks for a living. Trinity is changing its identity from a rural community to a city with commercial, industrial and various residential districts. The various districts require guidelines in order to keep them separate and unique. Mr. Ayers said that the ordinance is in line with other cities. He read the newly drafted ordinance and found it to be slightly confusing, incomplete in some of its descriptions and in part misses its intended purpose for which it was created. As with any law or ordinances that are written the original ordinance was written to serve the majority, to preserve the quality of life and to protect the property value. He urges the City Council to reinstate the original ordinance.

**Lewis Hawks – 7308 Farm Brook Pl.**

Mr. Hawks stated that he is totally against the truck ordinance. He drove a truck for 30 years before getting sick. He does not have a problem with trucks being parked off the streets.

**Pete Wrightsville – Evergreen Acres**

Mr. Wrightsville advised that he drove a truck for 30 years but he does not want a truck terminal next to his house. He drives a truck to Salisbury and back every day and pays a



lot for his fuel bill. He stated that truck drivers secure their trucks some place as a part of doing business.

**Brenda Campbell – 3440 Circle Ct. Trinity, NC 27370**

Ms. Campbell stated that she was not at the meeting to bash any of the truck drivers. She stated that she built a house in a residential district not a business district. She said she does not believe that over the road commercial trucks belong in a residential district. The streets in residential areas can not take the wear and tear of the trucks. Ms. Campbell said that surrounding cities prohibit the large trucks why not Trinity. She stated that all of those in attendance should be for improving neighborhoods and she does not believe that allowing large tractor trailer trucks will do that.

**Gary Loflin – 7229 Briddlewood Dr. Trinity, NC 27370**

Mr. Loflin stated that there seemed to be a dispute between a truck driver and his neighbor. He believes that the Council is being asked to make a decision about conditions throughout the City. The City of Trinity manages some streets and some are managed by NC DOT. Mr. Loflin advised that he believed it would be a good thing for Trinity to pass an ordinance against parking trucks on the street. There are restrictive covenants and deed restrictions in place for the neighborhood in question. Mr. Loflin stated that in Steeplegate the deed restrictions are enforced by the Homeowners Association. He said that the deed restrictions should be enforced within the neighborhood.

**Scott Lewallen – 3916 Canter Dr. Trinity, NC 27370**

Mr. Lewallen said that he lives in Steeplegate and he is on the Homeowners Association Board. Steeplegate has enough money in a fund to fight something like the truck ordinance. He does not believe that there is enough “firepower” to fight it in the small communities. He believes that to allow trucks in the backyard would be taking a step back.

Hearing no further comments, Mayor Andrews closed the public hearing.

There was discussion about the truck ordinance and the limited number of complaints received. The City has limited resources to enforce a nuisance ordinance in the truck parking issue. The City could enforce a zoning ordinance. There was discussion about what zoning areas the truck parking ordinance should be implemented.

Mayor Andrews asked how does the neighborhood enforce the restrictive covenants. Mr. Sturgis replied that he had contacted an attorney and that the restrictive covenants will supersede any ordinance the City of Trinity puts in place.

Council member Grooms stated that from the people he has talked to the City should let the restrictive covenants take care of the truck parking issue.

Council member Lambeth stated that he thought it was a good idea to table the truck parking issue until the retreat to have more time to make a good decision for the residents and the City.

***Motion to table the truck parking ordinance issue until the Council Retreat in January 2010 by Council member Lambeth, seconded by Council member Gantt, approved by a majority vote with Council members Earnst and Bridges being opposed.***

**8. Rezoning Request #Z2009-05 from O&I (Office & Institutional) to RA (Residential Agriculture) for 11.73 acres located at 4154 NC Hwy. 62; Randolph County PIN 6787912829; owned by Carol Hurley (Stumb)**

Mr. Stumb advised that this site was rezoned in 2005 to allow O & I to open a spa in that location. Since that time the owners have closed the business and wish to return to the original zoning of RA to allow them to live at 4154 NC Hwy. 62.

The Planning and Zoning Board recommended approval of this request and the City Staff also recommends the zoning to go back to RA.

Mayor Andrews opened the Public Hearing to those wishing to speak in favor of the rezoning.

**Speaking For:**

**Carol Hurley – 4154 NC Hwy. 62 Trinity, NC 27370**

Ms. Hurley stated that she is the owner of the property and she has no intentions of going back to any kind of a business in the near future. She said she is in favor of returning to residential zoning.

**Janice Spainhour – 4561 Pierce Lane Trinity, NC 27370**

Ms. Spainhour advised that she had been Ms. Hurleys' spa partner. She is in favor of returning the property to a residential state.

**Gary Loflin – 7229 Bridlewood Dr. Trinity, NC 27370**

Mr. Loflin stated that he would like to applaud Ms. Hurley for attempting to start a business in Trinity. Mr. Loflin stated that he would like to see some economic development in the City.

**Speaking Against:**

None

Hearing no further comments the Mayor closed the Public Hearing.

There was discussion about the uses of the property at 4154 NC Hwy. 62.

***Motion to approve rezoning request #Z2009-05 in accordance with the provisions of North Carolina General Statute 160A-383, the City Council hereby finds and determines that approval of this rezoning request is consistent with the adopted Land Development Plan and is reasonable and in the public interest, by Council member Grooms, seconded by Council member Earnst, approved unanimously by all Council members present.***

**9. Amendment to zoning ordinance pertaining to Accessory Structures on corner lots (Stumb)**

Mr. Stumb advised that Council asked staff and Planning and Zoning looked into accessory structure standards to limit unsightly structures from being placed in the side yard of a corner lot where it may be highly visible from the street. The recommended amendment requires accessory structures placed along the street to match the exterior materials of the home unless the structure is placed in the rear corner of the lot and away

from the street. Both Planning and Zoning and staff recommend approval of the amendment.

Mayor Andrews opened the Public Hearing for those wishing to speak in favor of the ordinance or against it.

There was discussion about the accessory structures and the materials that could be used.

**Beulah Hill – 6538 Cedarberry Rd. Trinity, NC 27370**

Ms. Hill stated that she came home and renters had started a building. She called the owner and the owner stated that he was going to talk to the renters. She stated that the people who were doing the building had said they were going to paint it.

Hearing no further comments Mayor Andrews closed the Public Hearing.

***Motion to approve the zoning ordinance with the language that building materials must be new and compatible with the existing structure no matter where the accessory structure is located by Council member Grooms, seconded by Council member Earnst, approved unanimously by all Council members present.***

**Consent Agenda**

10. Approve minutes: Oct. 13, 2009 City Council Pre-agenda Meeting (*Lori Hunt, Assistant City Clerk*)

11. Approve minutes: Oct 20, 2009 Regular City Council Meeting (*Hunt*)

***Motion to approve the consent agenda by Council member Grooms, seconded by Council member Earnst, approved unanimously by all Council members present.***

**Unfinished Business**

**12. Text amendment to Zoning Ordinance pertaining to Tattoo Parlors (*Tabled from Oct. Council meeting*) (*Stumb*)**

Mr. Stumb stated that the proposal that was presented was to change the permitted uses chart for tattooing from the Manufacturing to Highway Commercial. Also language would be added to shield activities from public view. The staff and the Planning and Zoning both recommend approval of the text amendment.

Council member Bridges stated that the business owners did not get the required permit before opening the tattoo business and that the City should not change their ordinance to accommodate an individual.

Council member Varner advised that she would not mind if a tattoo business was near her house and she thought they should be allowed in commercial districts.

***Motion to approve the amendment as recommended, by Council member Grooms, seconded by Council member Varner approved also by Council member Lambeth and opposed by Council members Gantt, Earnst, Bridges and Reddick, with a vote of 3 to 4 the motion fails.***

**12.5 Closed Session pursuant to §143-318.11 (a) (3) to consult with attorney retained by the public body in order to preserve the attorney-client privilege.**

***Motion to go into closed session by Council member Reddick, seconded by Council member Gantt, approved unanimously by all Council members.***

***Motion to return to open session by Council member Grooms, seconded by Council member Earnst, approved unanimously by all Council members present.***

**13. Consider contract award for Pike St. Sewer Project (Tabled from Oct. Council meeting) (McNeill)**

Mr. McNeill stated that Davis, Martin, Powell & Associates recommend the contract award for Pike St. Sewer Project go to Sam Watford Construction in the amount of \$179,710.

***Motion to award the Pike Street Sewer Project Contract to Sam Watford Construction by Council member Grooms, seconded by Council member Lambeth, approved unanimously by all Council members present.***

**13.5 NEW BUSINESS: Consider approval of Bridlewood Sewer Extension (Rich Baker, Water Resources)**

Mr. Baker stated that the City of Trinity through Rick Austin, contract agent, has approved the plans for the Bridlewood Sewer Extension. The City will need an encroachment agreement to put sewer lines on that road. A private contractor is putting in the lines and the City will also need a warranty agreement before being turned over to the City. The proposed extension will serve 7 homes 2 of which would not be required to connect because they can't be served by gravity. The project will be done to the standards of the City.

Ms. Bailie suggested that if the Bridlewood Sewer Extension were approved to make it conditioned on the execution of agreements as deemed necessary by the City Manager and the City Attorney.

***Motion to approve the Bridlewood Sewer Extension subject to execution of agreements as deemed necessary by the City Manager and the City Attorney by Council member Earnst, seconded by Council member Lambeth, approved unanimously by all Council members present.***

**New Business**

**14. Consider Amendment to Public Nuisance Ordinance regarding repeat offenders (Joe Rainey, Planning & Code Enforcement Assistant)**

Mr. Rainey advised that legislation was recently passed to allow municipalities to expedite the correction of nuisances committed by chronic violators. The proposed amendment to the nuisance ordinance would allow the City to remedy persistent violations within each calendar year after notification of the initial violation. Expenses would become a lien against the property. A chronic violator is a person who was cited for violations 3 times in the previous calendar year.

***Motion to approve Amendment to Public Nuisance Ordinance regarding repeat offenders by Council member Bridges, seconded by Council member Lambeth, approved unanimously by all Council members present.***

**15. Consider Resolutions to proceed with Eminent Domain to obtain easements**

**for Sewer Phase 4-A Contract 2 and property for Sewer Phase 3 Contract 2**  
(Bob Wilhoit, City Attorney)

Mr. Wilhoit stated that efforts were made to try to acquire the easements, but those efforts have been unsuccessful. Eminent domain is necessary because of the timing of the projects.

***Motion to adopt Resolutions to proceed with Eminent Domain to obtain easements by Council member Grooms, seconded by Council member Earnst, approved unanimously by all Council members present.***

**16. New Business: Set special meeting for Pre Agenda Meeting for Monday December 7, 2009 and Cancel December 8, 2009 Pre Agenda Meeting**

Manager Bailie stated that the purpose of the special meeting will be to pass a resolution of tentative award for the stimulus contract. The City of Trinity was awarded \$3,000,000 under the American Recovery and Reinvestment Act of 2009, commonly called stimulus funding. The terms of the award are 1.5 million in grant money and 1.5 million in a no interest loan. The timeline for bidding and awarding the contract and beginning construction is very tight and that is the reason for the change in the meeting date. For the Mayor and Manager Bailie to attend the county commissioners meeting it is recommended that the meeting time be changed to 6:30 p.m.

***Motion to set special meeting for Pre Agenda Meeting for Monday December 7, 2009 and Cancel December 8, 2009 Pre Agenda Meeting by Council member Lambeth, seconded by Council member Bridges, approved unanimously by all Council members present.***

**Business from City Manager**

Manager Bailie advised that Ginger Booker is retiring in February, 2010 and she is available on January 9, 2010. She requested that Council please check their calendars and let her know if that date is good for them.

Board appointments are typically made in December. There are many openings on Planning and Zoning and Infrastructure. The deadline for volunteer applications is December 1, 2009.

Manager Bailie requested that the Council fill out the Essentials of Elected Officials form even if they could not attend one of the sessions.

Ms. Bailie stated that city staff is moving forward in securing letters of support from other agencies in the community for the PARTF grant application. She has also met with Paul Kron who is a certified landscape architect with the COG. He is agreeable to working with the City as the site plan is refined.

The Planning and Zoning Board is not meeting in November 2009, but may have a special meeting date in December 2009.

There is going to be an Open House prior to the December 15, 2009 Council meeting. The open house will be a reception for the newly elected officials and the outgoing officials. Refreshments will be provided and photographs will be taken.

The Public Safety Board held a Safety for Seniors program last week. It was not well attended but those in attendance did appreciate the information. Ms. Bailie commended Ms. Hunt for the work she put into the Safety Program.

Ms. Bailie commended Ms. Hinson for the outstanding job she did on working with the auditors to qualify for the stimulus funding.

**Business and Closing Comments from Mayor and Council**

None

**Adjournment**

*Motion to adjourn by Council member Grooms, seconded by Council member Earnst, approved unanimously by all Council members present.*

**These minutes were approved at the December regular Council meeting with the correction of the addition of Council member Lambeth's name to item # 12 by Council member Bridges, seconded by Council member Earnst, approved unanimously by all Council members present.**